

### **REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-3 and 5-8 are pending and stand rejected.

Claims 1, 2, 3, 7, and 8 are independent claim.

Claims 1, 3, 7 and 8 have been amended.

Claim 8 is objected to for including informalities. Claims 1-3 and 5-8 stand rejected under 35 USC §103(a) as being unpatentable over Toyota (EP 0785537) in view of Little (USPPA 20020055852).

With regard to the objection to claim 8, applicant has amended the claim to present the subject matter claimed in better form.

For the amendment made to the claim, applicant submits that the reason for the rejection has been overcome and respectfully requests that the objection be withdrawn.

Claims 1-3 and 5- stand rejected under 35 USC 103(a) as being unpatentable over Toyota in view of Little. In rejecting the claims the Office Action refers to Toyota for disclosing all the elements recited in the claims except for considering the forms of transportation and refers to Little for teaching different forms of transportation. The Office asserts that it would have been obvious to modify the teachings of Toyota to include the mode of transportation while planning a users' itinerary per the teachings of Little for the advantage of not including locations that are only accessible.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

Toyota discloses a travel planning system for preparing a travel plan by accessing a data base from a terminal and acquiring information about service facilities existing on the route from the starting place to the destination.

As acknowledged by the Office Action, Toyota fails to disclose the itinerary considering forms of transportation (see page 4, lines 4-5).

Hence, Toyota cannot disclose the element of determining the proximate conditions based on the form of transportation, as is recited in the claims.

Little discloses a system for presenting and selecting information on providers of goods or services via a voice interactive device based upon a consumer's location. Little discloses locating nearby providers that match a detailed provider request wherein the nearby providers are prioritized according to a predetermined criteria such as by distance, travel time, sponsorship or other possible criteria. (see Abstract).

In describing the prioritization of the nearby providers, Litter refers to Figure 8 and paragraphs [0059]-[0060]. Paragraph [0059] teaches that in the prioritization process, if the predetermined factor is actual distance, then the ranking is based on an actual distance from the user's location "unless other factors were to alter the actual level of priority. Such other factors might include ... accessibility issues for a particular provider." Little further provides an example of accessibility issues as a disqualifying factor wherein when a location is on an island, availability of a boat is necessary otherwise the priority is altered. (see para. 0060). Little further teaches that the ranking could be performed by possibly travel time from a particular location. (see para. 0060).

However, although Little may disclose accessibility being a factor to determine a ranking of the provider, Little does not disclose that the proximate conditions of determining a service provider are based on the form of transportation, as is recited in the claims.

Rather, Little discloses "determining that a ... provider is within a general area is less specific activity than determining if it is within a threshold distance of a particular location. For example, a simple box may be created around the location by adding or subtracting values from the ... coordinates of a location." (see para. 0061). However, Little fails to disclose that the predetermined distance (i.e., the threshold distance) or the location is based on the form of transportation, as is recited in the claims. Thus, Little

fails to disclose the element of "the proximate conditions of determining a service provider are based on the form of transportation."

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made, as neither of the references provides any teaching, suggestion or motivation to establish proximate conditions based on the form of transportation, as is recited in the claims.

Accordingly, the independent claims, and the claims dependent therefrom, are not anticipated as the cited reference fails to disclose all the elements recited in the independent claims.

For the amendments made to the claims and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that all the rejections be withdrawn and a Notice of Allowance be issued.

Although the last Office Action was made final, this amendment should be entered. The claims have been amended to present the claims in better form and to provide clarity to assist in a better understanding of the matter being claimed. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,

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